

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

EMERSON CREEK POTTERY, INC.,)

Plaintiff,)

v.)

Case No.: 6:20-CV-00054-NKM

COUNTRYVIEW POTTERY CO.,)

EMERSON CREEK EVENTS, INC.,)

CHISTINA DEMIDUK, and)

DAVID DEMIDUK)

Defendants.)

STATUS REPORT

Plaintiff Emerson Creek Pottery, Inc. (“Plaintiff”), by counsel, pursuant to this Court’s February 23, 2023, Order, provides the following status report regarding Plaintiff’s Motion for Attorneys’ Fees [ECF No. 155]:

1. On October 27, 2022, the parties entered into a Settlement Agreement to resolve the instant matter and Defendants’ appeal of the jury verdict pending in the Fourth Circuit Court of Appeals.

2. As part of the Settlement Agreement, the parties agreed on a payment schedule for Defendants to execute the required payments to Plaintiff. Defendants’ final payment to Plaintiff is scheduled for March 31, 2028.

3. In accordance with the Settlement Agreement, the parties submitted a Joint Motion for Entry of Agreed Order on November 2, 2022, requesting “entry of an order staying all action of Plaintiff to enforce the Judgment against Defendants and staying consideration of Plaintiff’s Motion for Attorney’s Fees and Costs.” [ECF No. 181].

4. On December 7, 2022, the Court entered the parties' proposed Order [ECF No. 184] staying this matter, including enforcement of the Judgment and consideration of Plaintiff's Motion for Attorney's Fees and Costs, and retaining jurisdiction solely to enforce the terms of the parties' Settlement Agreement and the Amended Permanent Injunction Order of March 24, 2022. [ECF No. 143].

5. In accordance with the Court's February 23, 2023, Order, Plaintiff has reached out to Defendants' counsel of record requesting approval to submit the Status Report on behalf of the parties and in response has been informed that they no longer represent Defendants and are moving to withdraw [ECF Nos. 187, 188]. Plaintiff's counsel has been in contact with Defendants' new counsel, Chuck Corrigan, who has approved the filing of this Status Report.

WHEREFORE, Plaintiff respectfully requests that the Court continue the stay of this matter, including consideration of Plaintiff's Motion for Attorneys' Fees [ECF No. 155], through the conclusion of the parties' payment scheduled under the Settlement Agreement.

Dated: March 9, 2023.

Respectfully submitted,

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I certify that on March 9, 2023, I filed a copy of the foregoing memorandum with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to all counsel of record. A copy was additionally sent to the following via electronic mail:

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Counsel for Defendants

/s/ Henry I. Willett III

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*Counsel for Plaintiff
Emerson Creek Pottery, Inc.*